

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1469

Introduced by Assembly Member Negrete McLeod

February 22, 2005

An act to add Sections 798.54 and 798.54.5 to the Civil Article 1.5 (commencing with Section 18606.1) to Chapter 5 of Part 2.1 of Division 13 of the Health and Safety Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1469, as amended, Negrete McLeod. Mobilehome parks: ~~manager licensing; managers: training.~~

Existing law governs the administration and management of mobilehome parks, as specified. *The Mobilehome Parks Act makes it a misdemeanor to willfully violate any of its provisions.*

This bill would ~~add provisions to the act to require the Department of Housing and Community Development to establish a mobilehome park licensing and certification program and task force, as specified, and would require, by January 1, 2007, all mobilehome park owners of parks with 50 or more spaces, to provide proof that they employ a resident manager in the park who has successfully completed the program. To fund the program, the bill would require the department to impose a \$75 fee in addition to the department permit-to-operate fee, allow the department to adopt additional specified fees, and require the department to impose a \$1,000 penalty if proof of licensing and certification is not provided, as specified~~ *a park manager who manages a mobilehome park with 50 or more spaces to complete at least 3 hours of educational programs every year and would require a park manager who is newly hired on or after January 1, 2008, and*

lacks the requisite educational requirement to complete 5 hours of educational programs within 12 months following employment. The bill would require each provider to furnish to each person who completes the program a certificate of completion and would require the park manager to post proof of completion and compliance with the educational program requirements in the mobilehome park clubhouse or in another conspicuous place within the mobilehome park. The bill would authorize the department to assess a civil penalty, not to exceed \$500, against an owner if the department finds that the owner or operator has not made a good faith effort to comply with these requirements. Because a willful violation of these provisions would also be a misdemeanor, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 1.5 (commencing with Section 18606.1)
2 is added to Chapter 5 of Part 2.1 of Division 13 of the Health
3 and Safety Code, to read:

4
5 Article 1.5. Continuing Education of Park Managers
6

7 18606.1. A park manager who manages a mobilehome park
8 with 50 or more spaces shall complete at least three hours of
9 educational programs every year. A park manager who is newly
10 hired on or after January 1, 2008, and lacks the requisite
11 educational requirement shall complete five hours of educational
12 programs within 12 months following employment as a park
13 manager in a park with 50 or more spaces.

14 18606.2. "Park manager" means a person who is primarily
15 responsible for the normal ongoing onsite management of the

1 *mobilehome park. This person may, but is not required to, be the*
2 *individual referenced in Section 18603.*

3 *18606.3. (a) At least one hour of instruction shall include*
4 *instruction in new laws or existing statutes affecting this part, the*
5 *Mobilehome Residency Law (Chapter 2.5 (commencing with*
6 *Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code),*
7 *or Title 25 of the Code of California Regulations.*

8 *(b) Other areas of instruction may include, but are not limited*
9 *to, information relating to all of the following:*

10 *(1) Leases and rental agreements.*

11 *(2) Ethics.*

12 *(3) Unlawful detainers and eviction proceedings.*

13 *(4) The resolution of complaints and disputes concerning*
14 *landlords and tenants.*

15 *(5) The adoption and enforcement of the rules and regulations*
16 *of a manufactured housing community.*

17 *(6) General issues relating to property management.*

18 *(c) Classes should be administered with an emphasis on*
19 *teaching participants skills to resolve complaints and disputes*
20 *with tenants.*

21 *18606.4. "Educational program" means a class, workshop,*
22 *electronic media, or educational seminar that primarily instructs*
23 *participants on issues dealing with the operation of a*
24 *mobilehome park and that is sponsored by a professional or*
25 *nonprofit organization, including those whose sole or primary*
26 *purpose is the advocacy and promotion of the manufactured*
27 *housing and the education of persons who work in the*
28 *manufactured housing industry.*

29 *18606.5. The Department of Housing and Community*
30 *Development, a trade association, or instructor is not liable for*
31 *the conduct of a landlord, manager, owner, or other person who*
32 *attends a continuing education program under this article. This*
33 *article does not create a cause of action against the department,*
34 *a trade association, or instructor related to the continuing*
35 *education program.*

36 *18606.6. Each provider shall furnish to each person who*
37 *completes the program required by this article a certificate of*
38 *completion. The certificate must include:*

39 *(a) The name of the participant.*

40 *(b) The subject matter.*

1 (c) *The name of the instructor of the course.*

2 (d) *The number of hours of instruction completed.*

3 (e) *The date the course was given.*

4 18606.7. *A park manager shall post proof of completion and*
5 *compliance with the educational program requirements*
6 *prescribed by this article in the mobilehome park clubhouse or in*
7 *another conspicuous place within the mobilehome park. The park*
8 *owner may keep copies on file for proof of compliance with this*
9 *article.*

10 18606.8. *The department may assess a civil penalty against*
11 *an owner if the department finds that the owner or operator has*
12 *not made a good faith effort to comply with this article. The civil*
13 *penalty may not exceed five hundred dollars (\$500).*

14 SEC. 2. *No reimbursement is required by this act pursuant to*
15 *Section 6 of Article XIII B of the California Constitution because*
16 *the only costs that may be incurred by a local agency or school*
17 *district will be incurred because this act creates a new crime or*
18 *infraction, eliminates a crime or infraction, or changes the*
19 *penalty for a crime or infraction, within the meaning of Section*
20 *17556 of the Government Code, or changes the definition of a*
21 *crime within the meaning of Section 6 of Article XIII B of the*
22 *California Constitution.*

23 ~~SECTION 1. The Legislature finds and declares that~~
24 ~~mobilehomes in rental spaces in mobilehome parks provide a~~
25 ~~significant stock of the affordable housing in California. The~~
26 ~~Legislature has recognized that the health and safety of~~
27 ~~mobilehome park residents requires the presence of resident~~
28 ~~managers in parks with 50 or more spaces, who can respond in~~
29 ~~emergencies, and which persons reside in the park pursuant to~~
30 ~~Section 18603 of the Health and Safety Code. The Legislature~~
31 ~~has determined that some parks have failed to designate a~~
32 ~~resident manager who resides in the park, and have instead~~
33 ~~attempted to comply with the requirements of the law by posting~~
34 ~~notices of cell phone numbers of persons outside the park who~~
35 ~~can be contacted if there is an emergency. Those actions by park~~
36 ~~owners and managers do not fulfill the obligations intended by~~
37 ~~the Legislature, nor do they serve the health and safety~~
38 ~~considerations of park residents.~~

39 ~~The Legislature further finds that the proper operation and~~
40 ~~management of parks can best be accomplished if persons~~

1 ~~serving as mobilehome park managers have a basic~~
2 ~~understanding and familiarity with the Mobilehome Residency~~
3 ~~Law (Chapter 2.5 (commencing with Section 798) of Title 2 of~~
4 ~~Part 2 of Division 2 of the Civil Code) and Title 25 of the Code~~
5 ~~of Regulations, which govern mobilehome parks in California.~~
6 ~~Therefore, the Legislature adopts this act to establish a program~~
7 ~~for the licensing and certification of mobilehome park managers.~~

8 ~~SEC. 2. Section 798.54 is added to the Civil Code, to read:~~

9 ~~798.54. Any mobilehome parks with 50 or more rental~~
10 ~~spaces shall provide a resident park manager who shall be~~
11 ~~responsible for, and who shall reasonably respond in a timely~~
12 ~~manner to, emergencies concerning the operation and~~
13 ~~maintenance of the park. That person shall reside in the park and~~
14 ~~shall have knowledge of emergency procedures relative to utility~~
15 ~~systems and common facilities under the ownership and control~~
16 ~~of the owner of the park.~~

17 ~~SEC. 3. Section 798.54.5 is added to the Civil Code, to read:~~

18 ~~798.54.5. (a) The Department of Housing and Community~~
19 ~~Development, shall establish a Mobilehome Park Manager~~
20 ~~Licensing and Certification Task Force comprised of equal~~
21 ~~representation from park owners and managers, mobilehome~~
22 ~~owners and residents, and local and state mobilehome park~~
23 ~~enforcement personnel, which members are willing to serve on a~~
24 ~~voluntary basis and to meet periodically commencing April 1,~~
25 ~~2006, for the purpose of developing a multiple choice~~
26 ~~examination designed to test the basic understanding of the~~
27 ~~Mobilehome Residency Law and Title 25 of the Code of~~
28 ~~Regulations of persons desiring to serve as resident managers in~~
29 ~~mobilehome parks. The test approved by the task force shall be~~
30 ~~made available online from the department's Web site to all~~
31 ~~persons who have paid the fee adopted by the department for that~~
32 ~~test. The department shall encourage existing trade associations~~
33 ~~and organizations to provide educational seminars or test~~
34 ~~preparation courses to persons seeking to take the licensing and~~
35 ~~certification test for park managers.~~

36 ~~(b) The Mobilehome Park Manager Licensing and~~
37 ~~Certification Program, administered by the department, shall be~~
38 ~~funded by a charge of seventy-five dollars (\$75) to be added to~~
39 ~~the department's permit-to-operate licensing fee to be charged to~~
40 ~~all mobilehome parks with 50 or more mobilehome spaces,~~

1 ~~commencing June 1, 2006. Additionally, the department may~~
2 ~~adopt a fee for the licensing and certification examination, and a~~
3 ~~fee for the issuance of a Mobilehome Park Manager License and~~
4 ~~Certification for those persons receiving a passing score on the~~
5 ~~examination. Licenses and certification shall be valid for a period~~
6 ~~of four years and may be reissued by the department only upon~~
7 ~~the passing of the licensing examination then adopted by the~~
8 ~~department.~~

9 ~~(c) Before January 1, 2007, all mobilehome park owners of~~
10 ~~parks with 50 or more spaces shall be required to provide proof~~
11 ~~that they employ a resident manager in their park who has~~
12 ~~successfully completed the licensing and certification program. If~~
13 ~~required proof has not been provided to the department by~~
14 ~~January 1, 2007, the department shall assess a penalty of one~~
15 ~~thousand dollars (\$1,000) to be added to that park's~~
16 ~~permit-to-operate fee in 2007, and the department may cite the~~
17 ~~park for violation of this section, and impose a daily fine~~
18 ~~therefore until the park complies with this section.~~

19 ~~(d) In order to protect the health and safety of mobilehome~~
20 ~~park residents, all park owners shall perform a background check~~
21 ~~on all park employees, including a check for felony convictions~~
22 ~~including sex offenses, and to maintain in their business records~~
23 ~~the date on which the checks were performed on their employees,~~
24 ~~and the results of those checks. Background checks shall be~~
25 ~~required commencing July 1, 2006, and be updated each year.~~